IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

115-9-13401

IN THE MATTER OF: **MIGUEL A MARZAN BONILLA** **MAYRA B DIAZ LAUREANO** Debtor(s)	CASE NO. **10-06173 ESL** CHAPTER 13

MOTION REQUESTING DISMISSAL

TO THE HONORABLE COURT:

COMES NOW creditor **BANCO BILBAO VIZCAYA ARGENTARIA (BBVA)**, represented by the undersigned attorneys and very respectfully states and prays:

1. On **July 10th, 2010**, debtors filed instant petition for relief. On September 28th, 2010, this Honorable Court entered an Order directing debtors file monthly operating reports.

2. Appearing creditor respectfully requests from this Honorable Court to enter an Order dismissing the instant case based on the following grounds:

3. As of **January 18th, 2011**, debtors have failed to file the required monthly operating reports of the months of July, 2010 to December, 2010, as per Sections 1304(c) and 704(8) of the Bankruptcy Code, 11 USC §§ 1304(c) and 704(8), Bankruptcy Rule 2015 and Local Bankruptcy Rule 2015(b), and this court's order.

4. Section 1307(c)(1) of the Bankruptcy Code [11 USC §1307(c)(1) and (4)] states as follows:

> "(c) Except as provided in subsection (e) of this section, on request of a party in interest or the United States trustee and

> after notice and a hearing, the court may convert a case under this chapter to a case under chapter 7 of this title, or may dismiss a case under this chapter, whichever is in the best interests of creditors and the estate, **for cause**, including--
> (1) unreasonable delay by the debtor that is prejudicial to creditors;

5. More than one hundred and ninety **(190) days have elapsed** since debtors filed the instant petition for relief and they have failed to file the aforementioned monthly operating reports. As of this date they have not been able to obtain confirmation of a plan. All creditors, this Honorable Court and the Chapter 13 Trustee have the right to be adequately informed to ascertain whether or not this is a feasible case. Debtor have shown a lack of prosecution of this case.

6. Pursuant to Local Bankruptcy Rule 9031-1 (h)(1) and(2), it is respectfully requested from this Honorable Court that, should debtor fail to file a response to the instant motion within fourteen (14) days plus three (3) days if it is send by mail and from notice of the same an Order may be entered dismissing the instant case without the need of a hearing.

WHEREFORE, it is respectfully requested from this Honorable Court to grant this motion and to enter an Order dismissing the instant case.

I HEREBY CERTIFY: On this same date I electronically filed the foregoing document with the clerk of the Court using the CM/ECF System which will sent notification of such filing to the following: Attorney for Debtor(s), **JUAN O CALDERON LITHGOW, ESQ.**, and to Chapter 13 Trustee, **ALEJANDRO OLIVERAS RIVERA** and by ordinary mail to debtor(s) and to all creditors and parties in interest appearing in the attached Master Address List.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 18 day of January, 2011.

s/ Angel M. Vázquez Bauzá
Angel M Vázquez Bauzá, Esq.
Bar Number: 203308
ENR & Associates
PO Box 191017
San Juan, PR 00919-1017
Tel. 754-1313
Fax. 754-1354
e-mail: avazquez@enrassociates.com

OCO

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate.

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of SCRA extend beyond the last dates of active duty.

Those who would rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

WARNING: This certificate was provided based on a name and SSN provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.
Report ID:R7C7U94IO1

Department of Defense Manpower Data Center

Jan-18-2011 05:40:27

Military Status Report
Pursuant to the Service Members Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency
DIAZ LAUREANO	MAYRA B	Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.			

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

Mary M. Snavely-Dixon

Mary M. Snavely-Dixon, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Service Members Civil Relief Act (50 USC App. §§ 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenselink.mil" URL http://www.defenselink.mil/faq/pis/PC09SLDR.html. If you have evidence the person is on active duty and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. §521(c).

If you obtain additional information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects **active duty status** including date the individual was last on active duty, if it was within the preceding 367 days. For historical information, please contact the Service SCRA points-of-contact.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d)(1) for a period of more than 30 consecutive days. In the case of a member of the National Guard, includes service under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy TARs, Marine Corps ARs and Coast Guard RPAs. Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps) for a period of more than 30 consecutive days.

Coverage Under the SCRA is Broader in Some Cases

Department of Defense Manpower Data Center Jan-18-2011 05:39:50

Military Status Report
Pursuant to the Service Members Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency
MARZAN BONILLA	MIGUEL A	Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.			

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

Mary M. Snavely-Dixon

Mary M. Snavely-Dixon, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Service Members Civil Relief Act (50 USC App. §§ 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenselink.mil" URL http://www.defenselink.mil/faq/pis/PC09SLDR.html. If you have evidence the person is on active duty and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. §521(c).

If you obtain additional information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects **active duty status** including date the individual was last on active duty, if it was within the preceding 367 days. For historical information, please contact the Service SCRA points-of-contact.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d)(1) for a period of more than 30 consecutive days. In the case of a member of the National Guard, includes service under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy TARs, Marine Corps ARs and Coast Guard RPAs. Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps) for a period of more than 30 consecutive days.

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate.

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of SCRA extend beyond the last dates of active duty.

Those who would rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

WARNING: This certificate was provided based on a name and SSN provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.
Report ID:LPGMOF88G1

Label Matrix for local noticing
0104-3
Case 10-06173-ESL13
District of Puerto Rico
Old San Juan
Tue Jan 18 13:37:38 AST 2011

BANCO POPULAR PR
MIGDALIA EFFIE GUASP ESQ
PO BOX 362708
SAN JUAN, PR 00936-2708

BANCO SANTANDER PR
RAMOS & BAGUE LAW OFFICE
PO BOX 306
CAGUAS, PR 00726-0306

COOP. CIALES
APARTADO 1438
CIALES, PR 00638-1438

DEPARTAMENTO DE HACIENDA
PO BOX 9024140
OFICINA 424-B
SAN JUAN, PR 00902-4140

FIRSTBANK PUERTO RICO
MELENDEZ PEREZ,DE DIEGO & JIMENEZ
PO BOX 19328
SAN JUAN, PR 00910 1328

POPULAR AUTO
EDGAR A VEGA RIVERA ESQ
PO BOX 366818
SAN JUAN, PR 00936-6818

PR DEPARTMENT OF LABOR
PRUDENCIO RIVERA MARTINEZ BLDG
505 MUNOZ RIVERA AVENUE
12 FLOOR
SAN JUAN, PR 00918

PRA RECEIVABLE MANAGEMENT LLC
POB 41067
NORFOLK, VA 23541-1067

eCAST Settlement Corporation
POB 29262
New York, NY 10087-9262

ADVANCED COLLECTION SERVICES, INC.
PO BOX 364607
SAN JUAN, PR 00936-4607

AMERICAN EXPRESS
PO BOX 1270
NEWARK, NJ 07101-1270

AMERICAN EXPRESS
PO BOX 29-7879
FORT LAUDERDALE, FL 33329-7879

AMERICAN EXPRESS
c/o BCKET AND LEE LLP
PO BOX 3001
MALVERN, PA 19355-0701

AMERICAN EXPRESS
c/o BECKET AND LEE LLP
PO BOX 3001
MALVERN, PA 19355-0701

AMERICAN EXPRESS
c/o BECKETT & LEE
PO BOX 3001
MALVERN, PA 19355-0701

ASOCIACION DE PROPIETARIOS URB
VISTAS DEL OCEANO INC
PO BOX 4069
BAYAMON PR 00958 1069

AT&T MOBILITY
P.O. BOX 15067
SAN JUAN, PR 00902-8567

American Express TRS Co Inc Latin American Division
c/o Becket and Lee LLP
POB 3001
Malvern PA 19355-0701

American Infosource Lp As Agent for
T Mobile/T-Mobile USA Inc
PO Box 248848
Oklahoma City, OK 73124-8848

BANCO BILBAO VIZCAYA
PO BOX 364745
SAN JUAN, PR 00936-4745

BANCO DE DESARROLLO
PO BOX 2134
SAN JUAN, PR 00922-2134

BANCO POPULAR
PO BOX 713575
SAN JUAN, PR 00936-7077

BANCO POPULAR DE PUERTO RICO
AS PURCHASING AGENT
CONSUMER BANKRUPTCY UNIT
PO BOX 1450
MAYAGUEZ PR 00681-1450

BANCO POPULAR DE PUERTO RICO
BANKRUPTCY DEPARTMENT
PO BOX 366818
SAN JUAN PR 00936-6818

BANCO POPULAR DE PUERTO RICO - SPECIAL LOANS
AS PURCHASER OF WB ASSET'S
PO BOX 362708
SAN JUAN PR 00936-2708

BANCO SANTANDER
PO BOX 191080
SAN JUAN, PR 00919-1080

BANK OF AMERICA
PO BOX 17054
WILMINGTON, DE 19850-7054

Banco Santander PR
c/o Ramos & Bague Law Office
PO BOX 306
Caguas PR 00726-0306

CHASE MANHATTAN BANK
PO BOX 15548
WILMINGTON, DE 19886-5548

CICA COLLECTION
PO BOX 12338
SAN JUAN, PR 00914-0338

CINGULAR WIRELESS
PO BOX 192830
SAN JUAN, PR 00919-2830

CITIBANK INTERNATIONAL
PO BOX 8005
S HACKENSACK, NJ 07606

CITIFINANCIAL
P.O. BOX 71328
SAN JUAN, PR 00936-8428

COLLECTION ADVISEMENT
PO BOX 195162
SAN JUAN, PR 00919-5162

COMMOLOCO
PO BOX 41012
MINILLAS STATION
SAN JUAN, PR 00940-1012

COOP A/C DE CIALES
PO BOX 1438
CIALES, PR 00638-1438

COOP A/C JESUS OBRERO
PMB 159 HC-01 BOX 29030
CAGUAS, PR 00725-8900

CRIM
LEGAL COUNSEL OFFICE
PO BOX 195387
SAN JUAN PR 00919-5387

Citibank Usa
Attn.: Centralized Bankruptcy
Po Box 20363
Kansas City, MO 64195-0363

DEPTO. DE HACIENDA
SECC CERTIFICACION
BOX 4515, OFIC 405
SAN JUAN, PR 00936

DORAL BANK
PO BOX 195162
SAN JUAN, PR 00919-5162

Department Stores National Bank/Macys
Bankruptcy Processing
PO Box 8053
Mason, OH 45040-8053

Department of Treasury
Bankruptcy Section (Suite 1504)
235 Ave. Arterial Hostos
San Juan Puerto Rico 00918-1451

FIA CARD SERVICES
PO BOX 26012
GREENSBORO, NC 27420-6012

FIRST BANK
PO BOX 13817
SAN JUAN, PR 00908-3800

FIRST BANK
PO BOX 15019
WILMINGTON, DE 19886-5019

FIRST REVENUE ASSUR
PO BOX 5818
DENVER, CO 80217-5818

FIRSTBANK OF PUERTO RICO
BANKRUPTCY DIVISION
P.O. BOX 9146
SAN JUAN, P.R. 00908-0146

Fia Card Services, NA As Successor In Intere
Bank of America NA and Mbna America Bank
1000 Samoset Drive
DE5-023-03-03
Newark, DE 19713-6000

GC SERVICES
PO BOX 47455
JACKSONVILLE, FL 32247-7455

GE Money Bank
c/o Recovery Management Systems Corporat
25 SE 2nd Ave Suite 1120
Miami FL 33131-1605

GEMB / Old Navy
Attention: Bankruptcy
Po Box 103104
Roswell, GA 30076-9104

HOME DEPOT
PROCESSING CENTER
PO BOX 9101
DES MOINES, IA 50306-9101

INTERNAL REVENUE SERVICE
SPECIAL PROCEDURE RM 912
MERC. PLAZA BLDG 27 1/2
SAN JUAN, PR 00918

JOSE CANDELARIO LAJARA
COND VICK CENTER OFIC 407D
867 AVE MUNOZ RIVERA
SAN JUAN, PR 00925-2102

LCDA KRISTINA VIVONI
PO BOX 2134
SAN JUAN, PR 00922-2134

LCDA SALLY D DELGADO
PO BOX 367054
SAN JUAN, PR 00936-7054

MACYS/FDSB
MACY'S BANKRUPTCY
PO BOX 8053
MASON, OH 45040-8053

NATIONWIDE COLLECTION
PO BOX 26314
LEHIGH VALLEY, PA 18002-6314

POPULAR AUTO
PO BOX 15011
SAN JUAN, PR 00902-8511

POPULAR AUTO (POPULAR LEASING)
BANKRUPTCY DEPARTMENT
PO BOX 366818
SAN JUAN PUERTO RICO 00936-6818

(p)PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

PR ACQUISITIONS LLC
250 MUNOZ RIVERA AVENUE SUITE 1200
HATO REY PR 00918-1814

PRA Receivables Management LLC
As Agent Of Portfolio Recovery Assocs
PO Box 12914
Norfolk VA 23541-0914

PREFERRED HOME SERV
PO BOX 4069
BAYAMON PR 00958-1069

PREPA
P.O.BOX 363508
SAN JUAN, PR 00936-3508

PRTC
PO BOX 71401
SAN JUAN, PR 00936-8501

RONCOLI, BAERGA & ASSOC
PO BOX 33894
SAN JUAN, PR 00936-3894

Roundup Funding, LLC
MS 550
PO Box 91121
Seattle, WA 98111-9221

SAMS CLUB
Att: BANKRUPTCY DEPARTMENT
PO BOX 105968
ATLANTA, GA 30348-5968

SANTANDER
PO BOX 362589
SAN JUAN, PR 00936-2589

SHELL COMPANY (PR) LIMITED
BAYAMON, PR 00956

T MOBILE
PO BOX 660252
DALLAS, TX 75266-0252

UNIVERSAL FIDELITY LP
PO BOX 941911
HOUSTON, TX 77094-8911

WESTERNBANK
PO BOX 1180
MAYAGUEZ PR 00681 1180

ALEJANDRO OLIVERAS RIVERA
ALEJANDRO OLIVERAS, CHAPTER 13 TRUS
PO BOX 9024062
SAN JUAN, PR 00902-4062

FEDERAL LITIGATION DEPT. OF JUSTICE
PO BOX 9020192
SAN JUAN, PR 00902-0192

JUAN O CALDERON LITHGOW
JUAN O CALDERON LITHGOW LEGAL OFFIC
PO BOX 1710
VEGA BAJA, PR 00694-1710

MAYRA BELEN DIAZ LAUREANO
VILLA RICA
CALLE EVANS AN 31
BAYAMON, PR 00959-4911

MIGUEL ANGEL MARZAN BONILLA
VILLA RICA
CALLE EVANS AN 31
BAYAMON, PR 00959-4911

MONSITA LECAROZ ARRIBAS
OFFICE OF THE US TRUSTEE (UST)
OCHOA BUILDING
500 TANCA STREET SUITE 301
SAN JUAN, PR 00901-1938

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).